

REMARKS

The following issues are outstanding in the present application:

- Claims 7-12 have been rejected under 35 U.S.C. 251;
- Claims 16, 17 and 20 have been rejected under 35 U.S.C. § 112;
- Claims 18-20 have been rejected under 35 U.S.C. § 102(b);
- Claims 15-16 have been rejected under 37 U.S.C. § 103(a); and
- Claim 17 and 21 have been rejected under 35 U.S.C. § 103(a).
- Claims 7-14 were found allowable if rewritten to overcome the 35 U.S.C. 251 rejection.

Claim Amendments

The claims have been amended in order to more particularly point out and distinctly claim what Applicant regards as its invention in view of the prior art. Support for the amendments is found in the specification and no new matter has been added.

Amended independent claim 18 is directed to an apparatus for securing a grating sheet to structural members in a wave zone of an offshore platform. The apparatus comprises a top plate, a bottom plate and a threaded member extending between the top and bottom plates. The top plate is for mounting on the upper surface of the grating sheet of an offshore platform, the top plate having a hole therein. The bottom plate is sized and shaped for attaching to the structural support members of an offshore platform in a laterally extending direction for supporting the grating sheet. A threaded member extends between the top and bottom plates and through the opening in the top plate for engagement with a threaded nut for attaching the top and bottom plates together. The threaded member is configured to be secured only from a top surface of the platform in order to secure the grating sheet to the structural members in a wave zone area of the platform. The apparatus is formed of corrosion resistant material and the apparatus is configured to withstand the forces of waves in the wave-zone portion of the offshore platform area.

35 U.S.C. 251

Claims 7-12 have been rejected under 35 U.S.C. 251 as being an improper recapture of subject matter surrendered in the application for the patent upon which the present reissue is based. Independent claim 7 has been amended back as originally claimed as suggested by the Examiner. Applicant respectfully asserts that this rejection has now been overcome and claims 7-14 contain allowable subject matter.

35 U.S.C. §112

Claims 16 -17 and 20 were rejected in the Office Action mailed July 17, 2001 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 20 in order to clarify which elements are formed of the corrosion resistant material and canceled claims 16 and 17. Applicant respectfully asserts that this amendment has overcome the 35 U.S.C. § 112 rejection.

35 U.S.C. §102(b)

Claims 18 - 20 have been rejected under 35 U.S.C. §102(b) as having subject matter anticipated by Documents C or D of the Information Disclosure Statement filed July 7, 2000. Applicant respectfully traverses this rejection.

Document C or E shows a Section of a landing deck on an offshore platform. It shows a solid bottom plate (L2x1/4x 3'x5" LG) that has two studs welded to the top surface of the bottom plate. The bottom plate is positioned under the grating and lifted from underneath the plate in order to position the studs through two smaller plates positioned on top of the grating. A nut is then secured on the studs. This plate has a length of over 3 ft., can only be positioned into place from underneath the grating and is not attached to a structural member. In Document C and E the bottom plate is secured only to the grating and not the U-shaped spacer members or any structural support members of the offshore platform.

A claim is anticipated only if each and every element as set forth the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully asserts that nowhere does Document C or E teach or disclose an apparatus in which the bottom plate is

attached to the structural support members of an offshore platform in which the bottom plate extends in a lateral direction for supporting the grating sheet. The bottom plate in Document C and E is not attached to a structural support member of an offshore platform, nor does it support the grating sheet. Rather the grating sheet supports the bottom plate. Applicant respectfully submits that Document C or E fails to teach or suggest each and every limitation of the presently amended claim 18 and therefore cannot sustain a rejection under 35 U.S.C. §102(b). Regarding the dependent claims 19 and 20, these claims depend directly from independent claim 18. Since the cited references fail to teach or suggest each and every limitation of the independent claim, Applicant respectfully asserts that the dependant claims can therefore not sustain a rejection under 35 U.S.C. §102(b). Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claims 18 - 20 under 35 U.S.C. §102(b) as being anticipated by Document C or E.

35 U.S.C. §103

Claims 15 and 16 have been rejected under 35 U.S.C. §103(a) as having subject matter unpatentable over Document D in view of Document C. Since these claims have been canceled, this rejection is now moot.

35 U.S.C. §103

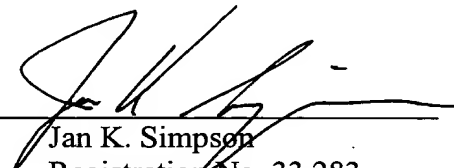
Claims 17 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Document D or C in view of Document D. Since claim 17 has been canceled, the rejection of this claim is now moot. Applicant respectfully traverses this rejection as to claim 21.

Applicant submits that the previous discussion of the patentability of the current invention obviates the rejection of this dependent claim. To establish a *prima facie* case of obviousness the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (CCPA 1974). Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103(a) then any claim depending therefrom is by definition non-obvious. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), Applicant respectfully submits that claim 21 depends from independent claim 18. Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Document D or C in view of Document D.

CONCLUSION

Applicant respectfully submits that this application is now in condition for allowance. In the event that minor claim amendments are necessary to meet formal requirements, Applicant invites the Examiner to telephone the undersigned so that appropriate amendments can be made.

Respectfully Submitted,


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CERTIFICATE UNDER 37 C.F.R. § 1.8(A)

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EU110401536US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on Oct 7, 2002.


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

7. (Thrice Amended) An apparatus for securing a grating sheet to structural members in a wave zone of an offshore platform, the grating sheet including an upper and lower surface, the apparatus comprising:

a top plate for mounting on the upper surface of the grating sheet, the top plate having a hole therein and upper and lower surfaces;

a bottom plate having an [slot] opening, the bottom plate being sized and shaped for attaching to the structural member in a laterally extending direction for supporting the grating sheet; and

[engaging means] a securing mechanism extending between the upper surface of the top plate and the opening of the bottom plate for clamping the top plate and bottom plate together, the securing mechanism configured to be secured only from a position on a top surface of the grating sheet in order to secure the grating sheet to the structural members so as to prevent displacement of the grating sheet from the structural members by extreme wave action, the grating sheet being attached to a structural members in a wave zone area of an offshore platform;

wherein said [apparatus is] ~~grating sheets are~~ formed of corrosion resistant material and said apparatus is configured [is able] to withstand the forces of waves in [a] the wave-zone portion of [an] the offshore platform area.

18. (Twice Amended) An apparatus for securing a grating sheet comprised of parallel and transverse bars forming a pattern of openings to structural members of an offshore platform or other similar platform, comprising;

a top plate for mounting on the upper surface of the grating sheet of an offshore platform, the top plate having an opening therein;

a bottom plate being sized and shaped for attaching to the structural support members of an offshore platform in a laterally extending direction for supporting the grating sheet; and a threaded member extending between the top and bottom plates and through the

opening in the top plate for engagement with a threaded nut for attaching the top and bottom plates together, the threaded member configured to be secured only from a top surface of the platform in order to secure the grating sheets to the structural members in a wave zone area of the platform;

wherein said ~~[apparatus] grating sheets [is] are~~ formed of corrosion resistant material and said apparatus is [able] configured to withstand the forces of waves in a the wave-zone portion of an offshore platform area.

20. (Amended) The apparatus of claim 18, wherein ~~said~~the corrosion resistant material of the grating sheets is fiberglass.